

# EXHIBIT 2

Page 1

Page 3

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7           **UNITED STATES DISTRICT COURT**  
             **FOR THE DISTRICT OF DELAWARE**

9 S.O.I.TEC SILICON ON INSULATOR  
10 TECHNOLOGIES S.A. AND SOITEC )  
SA, INC., )  
11 PLAINTIFFS, )  
 )  
12 vs. ) NO. 1:05CV-00806  
 )  
13 MEMC ELECTRONIC MATERIALS, )  
 )  
14 DEFENDANT. )  
15  
16  
17 VIDEOTAPE DEPOSITION OF ROBERT FALSTER, Ph.D.  
VOLUME I  
18 TAKEN BY MICHAEL L. BRODY, ESQ.  
CONFIDENTIAL ATTORNEYS EYES ONLY  
19 ON BEHALF OF THE PLAINTIFFS  
DECEMBER 20, 2007  
20  
21 REPORTED BY CINDY J. TAYLOR  
REGISTERED PROFESSIONAL REPORTER  
22 CERTIFIED SHORTHAND REPORTER  
CERTIFIED COURT REPORTER

1                   UNITED STATES DISTRICT COURT  
2                   FOR THE DISTRICT OF DELAWARE  
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9                  )   )  
10                 MEMC ELECTRONIC MATERIALS,         )  
11                 )   )  
12                 DEFENDANT.                             )  
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14                 DEPOSITION OF ROBERT FALSTER, Ph.D., produced,  
15                 sworn, and examined on the 20th day of December, 2007,  
16                 at the offices of Senniger Powers, One Metropolitan  
17                 Square the City of St. Louis, State of Missouri,  
18                 before Cindy J. Taylor, Registered Professional  
19                 Reporter, Certified Court Reporter within and for the  
20                 State of Missouri, in a certain cause now pending in  
21                 the United States District Court for the District of  
22                 Delaware, between S.O.I.TEC ON INSULATOR TECHNOLO  
23                 S.A. AND SOITEC USA, and MEMC ELECTRONIC MATER  
24                 INC., Defendant.  
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Page 2

Page 4

I N D E X		
2	Examination by Mr. Brody	Page 06
3	E X H I B I T S	
4	Plaintiff's Exhibit 112	Page 48
5	(Deposition Excerpt)	
6	Plaintiff's Exhibit 113	Page 124
	(Patent 6,391,662)	
7	Plaintiff's Exhibit 114	Page 135
8	(Patent 7,071,080)	
9	Plaintiff's Exhibit 115	Page 153
	(Patent 5,919,302)	
10	Plaintiff's Exhibit 116	Page 172
11	(Patent 6,743,495)	
12		
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<p style="text-align: right;">Page 5</p> <p>1           <b>S T I P U L A T I O N</b></p> <p>2       IT IS HEREBY STIPULATED AND AGREED by and</p> <p>3 between counsel for the parties that this deposition</p> <p>4 may be taken in shorthand by Cindy J. Taylor,</p> <p>5 Certified Shorthand Reporter, Certified Court</p> <p>6 Reporter, and afterwards transcribed into printing,</p> <p>7 and signature by the witness is reserved.</p> <p>8           VIDEO TECHNICIAN: Good morning. We're</p> <p>9 going on the video record. The time is now 8:12.</p> <p>10 Today's date is Thursday, December the 20th, 2007. My</p> <p>11 name is Kevin Hayes. I'm a certified legal video</p> <p>12 specialist working in association with Esquire</p> <p>13 Deposition Service, located at 720 Olive Street, St.</p> <p>14 Louis, Missouri 63101. The court reporter is Cindy</p> <p>15 Taylor, also in association with Esquire Deposition</p> <p>16 Services.</p> <p>17           Here begins the videotape deposition of</p> <p>18 Dr. Robert Falster taken in the matter of SOITEC</p> <p>19 versus MEMC, Case No. 105CV00806 in the United States</p> <p>20 District Court for the District of Delaware.</p> <p>21           This deposition is being held at</p> <p>22 Senniger Powers at One Metropolitan Square, Suite</p> <p>23 1600, St. Louis, Missouri 63102. It's being taken on</p> <p>24 behalf of the plaintiff at the request of the</p> <p>25 plaintiff.</p>	<p style="text-align: right;">Page 7</p> <p>1 right?</p> <p>2       A. That's right, yes.</p> <p>3       Q. Okay. Have -- I know you've been</p> <p>4 deposed before, at least in the SUMCO case. Have you</p> <p>5 participated in other depositions?</p> <p>6       A. No, I haven't.</p> <p>7       Q. Okay. Let me run through a couple of</p> <p>8 just sort of mechanical ground rules, and these</p> <p>9 probably will be familiar to you, but also probably</p> <p>10 good we're both on the same page.</p> <p>11           Excuse me. First of all, I will warn</p> <p>12 you in advance that, notwithstanding 25 or 6 years or</p> <p>13 however many years of practice, I still tend to mumble</p> <p>14 when I ask questions. I don't always choose my words</p> <p>15 as carefully as I ought to, and I do my best, but it's</p> <p>16 entirely possible that I'm going to ask you a question</p> <p>17 that you won't be able to understand. I'm happy to</p> <p>18 rephrase it. I am happy to have the court reporter</p> <p>19 read it back to you. We're happy to do whatever we</p> <p>20 need to do to get a question that's clear to you so</p> <p>21 that you can respond clearly, but I can't know that</p> <p>22 you don't understand unless you tell me, so will you</p> <p>23 let me know if you don't understand a question?</p> <p>24       A. Yes.</p> <p>25       Q. Okay. A second mechanical aspect of</p>
<p style="text-align: right;">Page 6</p> <p>1           Counsel would you please state your</p> <p>2 appearance?</p> <p>3       MR. BRODY: Michael Brody for Plaintiff</p> <p>4 SOITEC.</p> <p>5       MR. NEUNER: George Neuner, Edwards,</p> <p>6 Angell, Palmer &amp; Dodge for the Plaintiff SOITEC.</p> <p>7       MR. LEVY: Jacques Elie Levy, general</p> <p>8 counsel of SOITEC.</p> <p>9       MR. EVANS: Robert Evans, Senniger</p> <p>10 Powers for MEMC.</p> <p>11       MR. VANDER TUIG: Marc Vander Tuig,</p> <p>12 Senniger Powers here on behalf of MEMC.</p> <p>13       VIDEO TECHNICIAN: Thank you. Court</p> <p>14 reporter, would you please swear the witness?</p> <p>15       ROBERT FALSTER, Ph.D.,</p> <p>16 of lawful age, being first duly sworn to tell the</p> <p>17 truth, the whole truth and nothing but the truth</p> <p>18 deposes and says as follows:</p> <p>19       EXAMINATION BY MR. BRODY:</p> <p>20       Q. Good morning, Mr. Falster -- Dr.</p> <p>21 Falster. I'm sorry.</p> <p>22       A. Good morning.</p> <p>23       Q. We met before we went on the record,</p> <p>24 and I know you understand that my name is Michael</p> <p>25 Brody, and I'm here on behalf of SOITEC in this case,</p>	<p style="text-align: right;">Page 8</p> <p>1 this whole process, of course, is that the court</p> <p>2 reporter, who is making the official transcript, can</p> <p>3 only take down your verbal responses, and she's going</p> <p>4 to take them down literally. So when you shake your</p> <p>5 head like that, it doesn't get transcribed. If you</p> <p>6 want to say yes, if you want to assent to a question,</p> <p>7 you have to say yes, or if you want to disagree you</p> <p>8 have to say no. Uh-huh or uh-uh is going to get</p> <p>9 recorded exactly that way.</p> <p>10           So will you respond verbally to</p> <p>11 questions when they're posed to you?</p> <p>12       A. I'll do my best.</p> <p>13       Q. Okay. A third thing that's probably</p> <p>14 worth bearing in mind is that we're going to go until</p> <p>15 four o'clock today. That ends up being a very long</p> <p>16 day, but it's not meant to be a -- an endurance</p> <p>17 contest. I'm happy to take a break so that you can</p> <p>18 get up and stretch your legs or take care of whatever</p> <p>19 you need to take care of. And I'm happy to do that if</p> <p>20 not immediately when you ask me, at least when we</p> <p>21 finish a question and answer or train of thought, but</p> <p>22 I can't know that you need a break unless you tell me,</p> <p>23 so will you let me know if you need a break?</p> <p>24       A. Yes.</p> <p>25       Q. Okay. Likewise, Mr. Evans is here</p>

Page 133	Page 135
<p>1           MR. EVANS: Objection; argumentative, 2 assumes facts not in evidence. 3           A. I don't know. I don't know. 4           MR. BRODY: You know, that's a stopping 5 point and it's 20 past 12. Why don't we break for 6 lunch? 7           MR. EVANS: Okay. Excuse me. 8           VIDEO TECHNICIAN: We're going off the 9 record. The time is now 12:18. 10          (A temporary recess was taken at this 11 time.) 12          VIDEO TECHNICIAN: This marks the start 13 of tape 3 in the videotape deposition of Dr. Falster. 14          We're going back on the record. The 15 time is now 1:33. 16          Q. (By Mr. Brody) Welcome back, Dr. 17 Falster. 18          A. Thank you. 19          Q. Let me just go back over a couple of 20 things that we talked about this morning. You told me 21 that when you worked on your dissertation, some of the 22 work related to silicon on insulator. 23          A. That's correct. 24          Q. How was the silicon on insulator made? 25          A. It was made by depositing a -- with a</p>	<p>1 instruct you not to answer. 2           Q. (By Mr. Brody) Are you going to follow 3 your counsel's instruction? 4           A. Yes. 5           (Plaintiff's Exhibit 114 marked for 6 identification.) 7           Q. (By Mr. Brody) Dr. Falster, I've handed 8 you what the court reporter has marked as Plaintiff's 9 Deposition Exhibit 114. It's a copy of the United 10 States Patent 7,071,080. Do you have that in front of 11 you? 12          A. Yes, I do. 13          Q. Okay. And you're the named inventor on 14 this -- one of the named inventors on this patent; is 15 that correct? 16          A. Yes. 17          Q. Who is Jeffrey Libbert? 18          A. He's a co-worker of mine at MEMC based 19 here in St. Peters. 20          Q. Do you recall the research project that 21 led to this -- to this patent? 22          MR. EVANS: Why don't you just ask the 23 witness if he wanted to look through patent. Don't 24 just look at the first page. 25          MR. BRODY: Absolutely.</p>
Page 134	Page 136
<p>1 chemical vapor deposition technique silicon -- policy 2 crystal silicon on to an oxidized silicon wafer. And 3 that we subsequently manipulated the properties of 4 that layer with laser treatments. 5           Q. Okay. Another thing we talked about 6 was your meeting with -- with Dr. Auberton-Herve in 7 October of 1996. Excuse me. At the time that the -- 8 at the time that the patent was applied for -- let me 9 start over. I want to ask you a yes or no question. 10          At the time you applied for the patent, 11 did you discuss that meeting at all with patent 12 counsel? 13          MR. EVANS: Objection; calls for 14 attorney-client privilege information. I instruct you 15 not to answer. 16          MR. BRODY: I'm just asking whether 17 the topic was discussed. I don't know what was said, 18 at least I'm not asking at this -- at this point. 19          MR. EVANS: Just so I'm clear. You're 20 asking him to -- to talk about whether he talked about 21 a particular topic with his attorney, right? 22          MR. BRODY: I want to know whether he 23 ever discussed the October 1996 SOITEC meeting with -- 24 at the time. 25          MR. EVANS: I think it's privileged and</p>	<p>1           A. I -- I remember the -- the work, yes. 2          Q. (By Mr. Brody) What -- when did you 3 start the work that led to this patent? 4          A. I don't recall. 5          Q. Okay. Do you recall what caused you to 6 begin doing the work? 7          A. It's related to a project that Jeff 8 Libbert, in particular, was involved in, related to 9 the SIMOX work that was being -- being done by MEMC at 10 the time. 11          Q. Okay. Do you recall doing work on 12 silicon on insulator wafers with an epitaxial device 13 layer at that time? 14          A. That's what this is directed to, yes. 15          Q. Right. What did you do by way of 16 research in connection with -- with this project? 17          A. The project was related and directed to 18 the stabilization of oxygen precipitate sites produced 19 by the so-called magic denuded zone process. In order 20 to include that with that particular style of silicon 21 on insulator wafer that was being -- being worked on 22 at the time. And it was noted that without such a 23 stabilization treatment, the epitaxial layer which was 24 being -- the processes related to this would cause the 25 vacancy profile generated in the wafer to -- to modify</p>